

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-v-

ANDRE D. GRANT

Defendant.

Case No. C-3:04-cr-191

Also Civil Case No. 3:08-cv-442

Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #238)¹ REGARDING
GRANT'S MOTION FOR NOTICE OF APPEAL IN ITS ENTIRETY**

This matter comes before the Court pursuant to Magistrate Judge Michael R. Merz's Report and Recommendations regarding Defendant Andre D. Grant's ("Grant's") Motion for Notice of Appeal.² The time has run and Grant has not objected to this Report and Recommendations.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Magistrate Judge's Report and Recommendations is adopted in its entirety.

The Entry and Order that Grant wishes to appeal is not appealable until there is a final judgment. Grant is denied the certificate of appealability that he has requested.

¹The Report and Recommendations is docket #238 in the civil case and docket #239 in the criminal case.

²Grant's Notice of Appeal is docket #238 in the criminal case and was not docketed in the civil case.

The Clerk is also hereby ordered to serve a copy of this Order on Defendant Andre D. Grant at his last known address.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of March, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Andre D. Grant